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PART-I

Notifications, Orders and Declarations by Haryana Government

STATE ELECTION COMMISSION, HARYANA

NIRVACHAN SADAN, PLOT NO. 2, SECTOR-17, PANCHKULA

Order

The 25th February, 2019

No. SEC/3ME/2019/538.— The General Election of Municipal Council, Rewari was held on 10.02.2013 and the result of the elected candidates was declared on the same day.Section 13E of the Haryana Municipal Act, 1973, provides that every candidate at an election shall, either himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election incurred or authorized by him or by his election agent from the date of filing of nomination papers to the date of declaration of the result thereof, both dates inclusive. The account shall contain such particulars, as may be notified by the State Election Commission in this behalf. The total of the said expenditure shall not exceed such amount as may be notified by the State Election Commission from time to time.

2.   State Election Commission issued Notification No. SEC/4ME/2006/9706, dated 19.12.2006 in exercise of powers conferred inter alia under Section 13D and 13F of the Act and made the Haryana Municipal Election Expenditure (Maintenance and Submission of Accounts) Order, 2006. Clause 5(6) of the Order provide that every contesting candidate or his election agent shall lodge account of election expenditure within thirty days from the date of declaration of election result with the Deputy Commissioner or an officer authorized by the State Election Commission.

3.   Section 13D of the Haryana Municipal Act, 1973 read with Section 10A of the Representation of People Act, 1951 further provides that if the Election Commission is satisfied that a person –

(a)   has failed to lodge an account of election expenses, within the time and in the manner required by or under this Act, and

(b)   has no good reason or justification for the failure

the Election Commission shall, by order published in the Official Gazette, declare him to be disqualified and any such person shall be disqualified for a period of three years from the date of the order.

4.   In pursuance of the above provisions, the State Election Commission, Haryana *vide* its notification No. SEC/3ME/2011/2813, dated 05.09.2011 in exercise of powers vested under clause (i) Article 243 ZA of the Constitution of India, Sub-section 3 of Section 13E of the Haryana Municipal Act, 1973 had prescribed the limit of expenditure of Rs.75,000/- that may be incurred by the contesting candidate or his authorized agent in connection with election of Municipal Council, Rewari and account of election expenses shall be filed/lodged with the Deputy Commissioner or any other officer prescribed by the Commission within 30 days from the date of declaration of the result of election.

6.   As reported by the Deputy Commissioner, Rewari, the following candidates had contested the election of Municipal Council, Rewari but failed to submit their election expenditure account within the prescribed time or thereafter :-

Sr. No.	Name of Candidate	Ward No.
1.	Seema Sharma	1
2.	Mukesh Kumari	19
3.	Reena	19
4.	Maya Devi	20
5.	Sudesh Kumari	21
6.	Virender Singh	21
7.	Jatin Kumar	21
8.	Vinod Kumar	21
9.	Amit	22
10.	Jyanti jyoti	23
11.	Rajender	24
12.	Ram Singh	25
13.	Ved Parkash s/o Prem Singh	29
14.	Sanjay	29
15.	Subhash s/o Inder Singh	29
16.	Subhash s/o Devi Singh	29
17.	Surender	29
18.	Sushil Kumar	30
19.	Som Nath	31

5.   The Commission had served a show cause notice upon them to explain as to why they should not be disqualified on account of non-submission of election expenditure account within the period. They neither submitted their election expenditure statement nor responded to the show cause notice. They were given an opportunity of personal hearing on 30.01.2018 in the PWD Rest House, Rewari in the interest of natural justice *vide* letter No. SEC/3ME/2018/20, dated 09.01.2018. The official of the Municipal Council, Rewari reported that 19 candidates mentioned above are not living on the address given by them at the time of contesting the election. The Deputy Commissioner, Rewari was asked to publish a notice mentioning therein that they have not deposited their election expenditure statement, they should appear in the State Election Commission, Haryana within 15 days after publication of notice, otherwise they will not be given further time in this regard. Notice in this regard has been published by the Executive Officer, Municipal Council, Rewari in the "The Statesman" news paper on 1st March, 2018.

6.   The State Election Commissioner, Haryana in exercise of powers contained under Section 3B of the Haryana Municipal Act, 1973 authorized Assistant State Election Commissioner, State Election Commission, Haryana *vide* order No. SEC/1ME/2017/2017, dated 01.12.2017 and further modified *vide* order No. SEC/1ME/2018/842, dated 28.02.2018 to decide the cases of disqualification of the candidates of the said municipality, who failed to lodge their account of election expenses.

7.   The above mentioned contesting candidates neither appeared nor bothered to respond to the show cause notice in spite of service thereof through a hearing notice published in the news paper. Therefore, it can be concluded that they have nothing to say in the matter. The above mentioned candidates deserve to be disqualified. Hence I, Parmal Singh, Assistant State Election Commissioner, Haryana, hereby order that all the above 19 candidates are disqualified under Section 13D of the Haryana Municipal Act, 1973 read with Section 10A of the Representation of People Act, 1951 for being chosen as, and for being a member of Municipality for a period of three years from the date of this order.

8.   The office is directed to send a copy of this order to the candidate concerned through Deputy Commissioner, Rewari immediately.

Panchkula: PARMAL SINGH,
The 20th February, 2019.   Assistant State Election Commissioner, Haryana.